REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 have been rejected.

Claims 1-3, 5-7 and 21 have been amended, as set forth herein.

Reconsideration of the claims is respectfully requested.

I.   REJECTION UNDER 35 U.S.C. § 101

Claims 3 and 7 were rejected for obviousness-type double patenting based on policy derived from 35 U.S.C. § 101 as being obvious over U.S. Patent No. 6,487,530. This rejection is respectfully traversed.

Claims 3 and 7 have been amended herein, and are distinct from the cited claims within U.S. Patent No. 6,487,530.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 101 rejection of Claims 3 and 7.

II.   REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4 and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,920,837 to *Gould et al.* Claims 10 and 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,719,921 to *Vysotsky et al.* These rejections are respectfully traversed.

Independent claim 1 recites that identified words within the utterances of a particular user include user-selected words for invoking commands. Similarly, independent claim 2 recites that at least one model of the second (speaker dependent) set of word models is chosen by the user to initiate performance of at least one of a plurality of system commands. Such a feature is not found in the cited reference.

Independent claim 6 recites initiating a command associated with both one of the user-independent word models and one of the user-dependent word models in response to matching either an utterance to either the one user-independent word model or another utterance to the one user-dependent word model. Such a feature is not found in the cited reference.

Independent claim 10 recites a user-independent set of recognition models for a plurality of commands, and a user-dependent set of recognition models including at least one model for initiating performance of a system command in response to a user chosen utterance. Similarly, independent claim 13 recites a set of user-independent word models for recognizing a plurality of system commands controlling operation of a voice messaging system, and a set of speaker-dependent word models including at least one for initiating performance of a system command (or commands) such that the system command is performed in response to recognizing a user chosen word. That is, the user is permitted to select the utterance or word triggering performance of a particular system command. Such a feature is not found in the cited reference.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102 rejections of Claims 1, 2, 4, 6, 10 and 12-13.

III.   REJECTION UNDER 35 U.S.C. § 103

Claims 3 and 7–9 were rejected under 35 U.S.C. § 103 as being unpatentable over *Vsotsky et al* in view of U.S. Patent No. 4,618,984 to *Das et al*. Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over *Vsotsky et al* in view of U.S. Patent No. 5,774,841 to *Salazar et al*. Claim 11 and 14–21 were rejected under 35 U.S.C. § 103 as being unpatentable over *Vsotsky et al* in view of U.S. Patent No. 5,719,921 to *Firman*. These rejections are respectfully traversed.

Independent claim 3 recites associating at least one stored word model with a command token also associated with a default command word model. Such a feature is not found in the cited references.

Independent claim 5 recites deriving speaker dependent word models from words marginally recognized (based on a determined likelihood of recognition) within an utterance based upon a set of speaker independent word models. Such a feature is not found in the cited references. The portion of *Vysotsky et al* cited as teaching likelihood of recognizing a word within an utterance using speaker independent word models relates to speech recognition, not derivation of speaker dependent word models. The portion of *Salazar et al* cited as teaching use of a spoken word recognized using a "first set" to derive a word model stored in a second set does not describe utterance recognition using a speaker independent set of word models to derive a speaker dependent word model, but instead merely describes updating a speaker dependent set of word models based on recognition confidence.

In addition, the Office Action cites disjoint portions of the specification of *Salazar et al*,

Page 17 of 20

which are assembled piecemeal and out of the context of each portion to formulate the cited

"teaching" using the claim limitation as a template:

> ... Salazar also describes:
> a spoken word marginally recognized [at column 14, line 50, as a word spoken recognized with low confidence];
> using the first set [at column 13, line 65, as compared to the vocabulary currently active];
> and using that spoken word [at column 11, lines 41–42, as stored, raw digital voice from spoken commands];
> to derive a word model [at column 15, line 3, as adapt the word for the adaptation update];
> and
> storing it in the second set [at column 15, lines 3–9, as place the update in RAM, not in permanent storage].

Office Action dated 04/21/2003, page 15. In particular, the cited portion of column 13 relates to a

sample or input to be recognized, not a "first set" of word models.

Independent claim 7 recites that both a user-independent word model representing a first

word and a user-dependent word model representing a second (different) word are associated with

a single command token. Similarly, independent claim 18 recites user-independent recognition

models for recognizing systems commands within a given set, as well as user-dependent recognition

models including at least one for a user chosen word to initiate one of the system commands. In the

present invention, controls or actions may be initiated using either default or custom voice

commands. Such a feature is not found in the cited references.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims

3, 5, 7–9, 11 and 14–21.

IV.   CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.
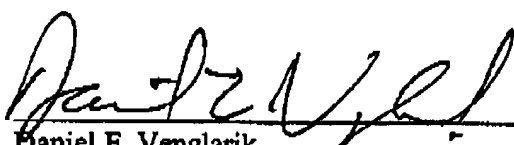
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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